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Application No.: 10/695,919 Docket No.: TOW-047

REMARKS

Applicants amend claim 1. No new matter is added. Support for the claim amendment can be found throughout the specification and at least at Fig. 2 and related text. Upon entry of this amendment, claims 1-5 are pending, of which claim 1 is independent. Applicants respectfully submit that the pending claims define over the art of record.

Claim Rejection Under 35 U.S.C. §102

Claims 1-3 and 5 are rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Application Publication No. 2003/0068541 to Sugiura et al. (hereafter "Sugiura"). Applicants respectfully submit that the Sugiura reference fails to disclose the limitation that the electrically conductive heat insulation plate is interposed between one of said separators that is at an end of the cell assembly in the stacking direction and a terminal plate, as recited in amended claim 1.

The Sugiura reference teaches in Fig. 2 a terminal plate 60 that is adjacent to a separator 22 that is at an end of the cell assembly in the stacking direction. The Sugiura reference does not disclose that an electrically conductive heat insulation plate is interposed between the separator 22 that is at the end of the cell assembly and the terminal plate 60.

Accordingly, Applicants respectfully submit that the Sugiura reference fails to disclose the limitation that the electrically conductive heat insulation plate is interposed between one of said separators that is at an end of the cell assembly in the stacking direction and a terminal plate, as recited in amended claim 1. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of independent claim 1.

Applicants note that the dependent claims also recite patentable subject matter. As such, for this and the reasons set forth above, Applicants respectfully submit that the dependent claims also define over the art of record.

Claim Rejection Under 35 U.S.C. §103

Claim 4 is rejected under 35 U.S.C. §103(a) as being obvious over the Sugiura reference. As set forth above, Applicants respectfully submit that the Sugiura reference fails to teach or

suggest the limitation that the electrically conductive heat insulation plate is interposed between one of said separators that is at an end of the cell assembly in the stacking direction and a terminal plate, as recited in amended claim 1 that claim 4 depends.

Additionally, the Sugiura reference solves a different problem in the fuel cell system compared to the present application. The Sugiura reference tries to solve the problem where coolant cools both the anode and cathode equally and causes water vapor produced in the electrochemical reaction to condense into water. The Sugiura reference does not address the problem of heat loss at the terminal ends of the cell assembly that is addressed in the present application. Hence, there is no teaching or suggestion that the Sugiura reference should be modified to include an electrically conductive heat insulation plate that is interposed between a separator at an end of the cell assembly and the terminal plate.

Accordingly, Applicants respectfully submit that the Sugiura reference fails to teach or suggest each and every element and limitation of claim 4. Applicants respectfully request that the Examiner reconsider and withdraw the rejection of claim 4.

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CONCLUSION

In view of the above amendment, Applicants believe the pending application is in condition for allowance.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TOW-047 from which the undersigned is authorized to draw.

Dated: December 28, 2006

Respectfully submitted,

By _____

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